

EXHIBIT 4

WEATHERFORD DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Subject: RE: Recruiting
Date: Fri, 27 May 2005 20:53:36 -0700
From: "Bruce Chizen" <bchizen@adobe.com>
To: "Steve Jobs" <sjobs@apple.com>
Message-ID: <D7E5113BC7908A40BE31305B3E63E33A99CD89@sj-mail1.corp.adobe.com>

I'd rather agree NOT to actively solicit any employee from either company. If employee proactively approaches then it's acceptable.

If you are in agreement I will let my folks know.

From: Steve Jobs [mailto:sjobs@apple.com]
Sent: Thursday, May 26, 2005 6:27 PM
To: Bruce Chizen
Cc: Steve Jobs
Subject: Re: Recruiting

OK, I'll tell our recruiters that they are free to approach any Adobe employee who is not a Sr. Director or VP. Am I understanding your position correctly?

Steve

On May 26, 2005, at 4:15 PM, Bruce Chizen wrote:

I thought we agreed not to recruit any senior level employees (at Adobe this is Sr. Director/VP and represents about 2% of the population). I am pretty sure your recruiters have approached more junior ones.

I would propose we keep it this way. Open to discuss. It would be good to agree.

From: Steve Jobs [mailto:sjobs@apple.com]
Sent: Thursday, May 26, 2005 9:36 AM
To: Bruce Chizen
Subject: Recruiting

Bruce,

Adobe is recruiting from Apple. They have hired one person already and are calling lots more. I have a standing policy with our recruiters that we don't recruit from Adobe. It seems you have a different policy. One of us must change our policy. Please let me know who.

Steve

PS: Here's one of the many pings we've gotten from Adobe.

From: Jerry Sastri <jsastri@adobe.com>
Date: May 23, 2005 1:44:33 PM EDT (CA)
To: bereskin@apple.com
Subject: Hello Ken

Ken,

Hope you are doing well. I am doing an executive search here at Adobe for a Director of Product Marketing. I wanted to see if I could network with you for folks who might be looking for new opportunities.

Sincerely,

Jerry Sastri

Executive Recruiting | **nasdaq: ADBE**

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Adobe Enterprise Solutions

www.adobe.com/enterprise/main.html

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www.fortune.com/fortune/bestcompanies

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